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FAX NO. (312) 876-2020

Date: October 5, 2005 Send to No.: 571-273-8300

To: U.S. Patent & Trademark Office

From: Stephen D. Geimer

Re: U.S.S.N. 10/050,413

Number of Pages: 6 (Does Not Include This Transmittal Sheet)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/050,413 Confirmation No.: 6108  
Applicant : Charles Eric Pearce et al.  
Filed : January 16, 2002  
TC/A.U. : 1771  
Examiner : Norca Liz Torres Velazquez  
  
Title : Hydroentangled Filter Media And Method  
  
Docket No. : PGI6044P0321US  
Customer No. : 32116

Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SUPPLEMENTAL RESPONSE

Sir,

This is responsive to applicants' Amendment filed in response to the Office Action of April 22, 2005.

By applicants' previous response, applicants refuted the Examiner's rejection under 35 U.S.C. §103, based upon U.S. Patent No. 4,556,601, to Kirayoglu, in view of U.S. Patent No. 5,240,764, to Haid et al. As stated therein, applicants respectfully maintain that it is contrary to the teachings of the principal Kirayoglu reference to subject the filter media disclosed therein to heat-treatment, as stated by the Examiner in her rejection under 35 U.S.C. §103.

As previously noted, the Kirayoglu reference itself specifically requires that the disclosed fabric not be subjected to shrinkage, i.e., heat-treatment. Applicants have maintained that as such, there would be no motivation for one skilled in the art to subject the fabric of Kirayoglu to heat-treatment, as suggested by the Examiner in her rejection.

In support of their position, applicants have studied the prosecution file history of the Kirayoglu reference. Significantly, study of the history shows that the language in claim 1 of the Kirayoglu reference specifying that the disclosed fabric not be subjected to a shrinking (i.e.,

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Application No. 10/050,413

heat-treatment) operation was added by Examiner's Amendment shortly before mailing of the Notice of Allowability (copies enclosed). Notably, in the accompanying Examiner Interview Summary Record, the Examiner states:

Claim 1 to be amended to indicate product characteristics described thereby were not the result of an extraordinary shrinking operation such as that of Example IV of the Evans et al patent referred to above.

The Evans et al. patent, U.S. Patent No. 3,486,168, at Example IV describes heat-treatment of the fabric of this Example. At column 10, line 64 *et seq.*, Evans et al. states:

The high-shrinkage fibers are capable of shrinking about 30% in length when subjected to atmospheric stream or heat (120° C.).

At column 11, line 3 *et seq.*, Evans et al. goes on to state:

The fabric, which has 12 ribs/inch (4.73/cm.), is then removed from the grill and exposed to live stream for 1.0 minute resulting in 30% area shrinkage.

Thus, Evans et al. contemplates that by exposure to stream at 120° C. (i.e., 248° F.), the disclosed fabric is subjected to 30% area shrinkage.

In light of the above-noted language in the principal Kirayoglu reference, applicants have maintained that modification of the teachings of this reference, in accordance with the Haid et al. patent, would be contrary to the teachings of these references. In this regard, applicants note that the Haid et al. reference relied upon by the Examiner contemplates, in Example II, that the fabric disclosed therein be heat-set at 300° F. for 5 minutes. Thus, Haid et al. contemplates heat-setting at a temperature that exceeds that disclosed in Example IV of the Evans et al. patent, and for a period of time that exceeds that disclosed in Example IV of Evans et al. Clearly, one skilled in the art would conclude that heat-treatment in accordance with the

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teachings of the Haid et al. patent would result in shrinkage, specifically contrary to the contemplated scope and teachings of the principal Kirayoglu reference.

Thus, applicants must respectfully maintain that combining the teachings of these references is contrary to M.P.E.P. Section 2143.01, which specifically admonishes that 'the proposed modification cannot change the principle of operation of a reference' (citations omitted). As such, it is respectfully maintained that the rejection of the presently pending claims under 35 U.S.C. §103 should be withdrawn.

Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below. The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By   
Stephen D. Geimer, Reg. No. 28,846

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Patent and Trademark Office  
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/568,174	01/05/84	KIRAYDGLU	SS-2480

LAWRENCE ISAKOFF  
LEGAL DEPARTMENT  
E. I. DU PONT DE NEMOURS & CO.  
WILMINGTON, DE 19898

EXAMINER	
CANNON, J	
ART UNIT	PAPER NUMBER
154	6

DATE MAILED:

07/02/85

## NOTICE OF ALLOWABILITY

## PART I

- ☒ This communication is responsive to the amendment of 1/28/85 and telephone interview of 6/24/85.
- ☐ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- ☒ The allowed claims are 1-6.
- ☐ The drawings filed on \_\_\_\_\_ are acceptable.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.
- ☐ Note the attached Examiner's Amendment.
- ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
- ☐ Note the attached Examiner's Statement of Reasons for Allowance.
- ☐ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- ☒ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

## PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - ☐ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. \_\_\_\_\_ CORRECTION IS REQUIRED.
  - ☐ The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
  - ☒ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

## Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTOL-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

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*J. Cannon*

Serial No. 568,174

-2-

Art Unit 154

EXAMINER'S AMENDMENT

Per agreement with applicant's attorney, Mr.  
Isakoff, in the telephone conversation of June 24, 1985,  
the expression:

B'

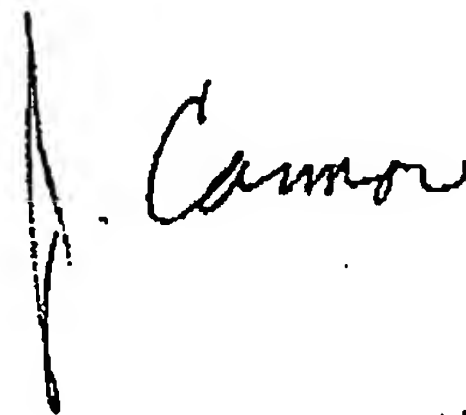
--said fabric not having been subjected  
to a shrinking operation--

has been inserted after the word "cycles", appearing on line  
9 of claim 1.

JCCannon:cdc

(703) 557-6525

6-24-85

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E. I. DU PONT DE NEMOURS & CO.  
WILMINGTON, DE 19898

EXAMINER	
CANNON, J	
ART UNIT	PAPER NUMBER
154	6

DATE MAILED: 07/02/85

### EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Mr. Isakoff (2) \_\_\_\_\_  
(2) Mr. Cannon (4) \_\_\_\_\_

Date of interview 6/24/85

Type: ☐ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No. If yes, brief description: \_\_\_\_\_

Agreement: ☐ was reached with respect to some or all of the claims in question. ☐ was not reached.

Claims discussed: 1-6

Identification of prior art discussed: Evans et al. (3,486,168)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Claim 1 to be amended to indicate product characteristics described thereby were not the result of an extraordinary shrinking operation such as <sup>that</sup> ~~et al.~~ of example IV of the Evans et al. patent referred to above.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

☐ Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.

PTOL-413 (rev. 1-81)

Examiner's Signature

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